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Order 2002-10-19

Served: October 11, 2002



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Action on IATA Agreement
Issued by the Department of Transportation
on the 11th day of October, 2002

Agreement adopted by the Tariff
Coordinating Conferences of the
International Air Transport Association
relating to passenger service matters

Docket OST-2001-11290 - 3
R-1 through R-9, R-11
through R-21, R-26, R-28,
and R-31 through R-40

ORDER

Various members of the International Air Transport Association (IATA) have filed an agreement with the Department under section 41308 and 41309 of Title 49 of the United States Code (the Code), and Part 303 of the Department's regulations. The agreement was adopted at the twenty-third Passenger Services Conference (PSC) held in Vienna, Austria on Oct 17-18, 2001.¹

The agreement consists of expedited resolutions and recommended practices (R.P.'s) affecting passenger services. They address codes, formats and procedures relating to the issuance of electronic and paper tickets, boarding passes, and other travel documents; location identifiers, interline traffic agreements, miscellaneous charges orders (MCO); baggage handling and checking procedures; numbering for traffic document form codes; carriage of incapacitated

¹ IATA memorandum PSC/Reso/112 filed with the Department on December 19, 2001, and PSC/MINS/004 dated December 19, 2001. Eleven resolutions and R.P.'s were submitted for information only because they are among the 37 resolutions and R.P.'s that were exempted from the Department's prior review and approval requirements by Order 2002-1-15, January 29, 2002, Docket OST-01-9575. On October 9, 2002, IATA withdrew the application for approval of an additional seven R.P.'s in Docket OST-02-11290 that have also been exempted from the Department's filing and approval requirements (See Order 2002-7-3, July 1, 2002, Docket OST-02-11798). The resolutions listed for information only are 722a (Off Premise Transitional Automated Ticket (OPTAT)), 726e (Multiple Purpose Document (MPD) Neutral, Carbonised Manual), 726f (Multiple Purpose Document (MPD) Carrier, Carbonised, Manual), 743 (Found and Unclaimed Checked Baggage), 743a (Forwarded and Mishandled Baggage), 1707a (Data Field Dictionary For DCS Passenger Messages), 1707b (Data Element Directory For DCS Passenger Messages), 1709 (Request List Message (RQL)), 1711 (Seats Protected Message (SPM)), 1712 (Seats Occupied Message (SOM)), 1713 (Space Available List (SAL)), 1715 (Passenger Service Message (PSM)), 1717 (Teletype Passenger Manifest (TPM)), 1718 (Passenger Transfer Message (PTM)), 1719 (Passenger Final Sales (PFS) Message), 1719a (Frequent Traveller List (FTL)), 1719c (Electronic Ticket List (ETL)), and 1723 (Standard ATB Boarding Pass Wallet).

passengers; data element directory; and passenger lists.²

Existing Resolutions and Recommended Practices: These proposals generally involve non-substantive changes, essentially of a technical, editorial or administrative nature, to existing approved resolutions and recommended practices, and appear to be in conformity with our substantive policies and concerns. As such, they raise no public interest issues and will be approved.

New Resolutions and Recommended Practices: Coupon Sequence And Use (Resolution 723) reflects provisions in existing resolutions, which state that tickets are valid for the transportation as shown, from the place of departure via any agreed stopping places to the final destination; that flight/baggage coupons are honored only in sequence; and that the ticket will not be honored and will lose its validity if all the coupons are not used in the sequence provided in the ticket. In view of the importance of these provisions, the Conference determined to place them in a stand-alone resolution, which better explains the reasons that coupons are to be used in sequence.³ The new resolution merely consolidates existing provisions we have already approved, and we will approve it.

Furthermore, we conclude that the approved portions of the agreement should be granted immunity for the operation of the antitrust laws to the extent necessary to permit their implementation. In general, they amend existing provisions already approved and immunized by the Department. Where new provisions are created, they parallel existing provisions that have already been approved and immunized. As a result, none raises immunity issues not previously considered, and the conferral of immunity upon them is consistent with our policy of conferring immunity on amendments coextensively with the underlying agreements.

Pursuant to the authority duly assigned under the Department's Regulations, 14 CFR 385.13:

1. We do not find resolutions and recommended practices R-1 through R-9, R-11 through R-21, R-26, R-28, and R-31 through R-40 of the agreement in Docket OST-2001-11290, as set forth below, to be adverse to the public interest, in violation of the Code, or likely to lessen competition substantially:

Docket OST-01-11290

Resolution/R.P.

R-1; 003

Description

Standard Recission Resolution

² We will act on Passenger Ticket – Notices and Conditions of Contract (Amending) (R.P. 724) in a separate order.

³ The Conference deferred action to remove similar provisions on coupon sequence and use in Resolutions 720a, 722, 722c, 722f, 722g, 742a, 742e, 742f, 780, 780e and R.P. 1780e until Resolution 723 is declared effective.

Docket OST-01-11290

Resolution/R.PDescription

R-2; 700	Acceptance And Carriage Of Incapacitated Passengers (Except Canada and USA) (Amending)
R-3; 720a	Passenger Ticket And Baggage Check Issuance And Honouring Procedures (Amending)
R-4; 722	Transitional Automated Ticket (TAT) (Amending)
R-5; 722c	Automated Ticket/Boarding Pass Version 2 (ATB) (Amending)
R-6; 722d	Off Premise Automated Ticket/Boarding Pass – Version 2 (OPATB2) (Amending)
R-7; 722f	Electronic Ticket/Electronic Miscellaneous Documents - Airline (Amending)
R-8; 722g	Electronic Ticket/Electronic Miscellaneous Documents Neutral (Amending)
R-9; 723	Coupon Sequence and Use (New)
R-11; 725	Miscellaneous Charges Order (MOC) – Technical Specifications
R-12; 727	Tickets – Alterations To Flight Coupons (Amending)
R-13; 728	Code Designators For Ticket And Baggage Check (Amending)

Docket OST-01-11290
Resolution/R.P

Description

R-14; 735d	Involuntary Change Of Carrier, Routing, Class Or Type Of Fare (Amending)
R-15; 735e	Procedures For Involuntary Change Of Routing En Route (Amending)
R -16; 763	Location Identifiers (Amending)
R-17; 780	Form Of Interline Traffic Agreement Passenger (Amending)
R-18; 780e	IATA Interline Traffic Participation Agreement – Passenger (Amending)
R-19; 789	Responsibility For Travel At The Correct Fare (Amending)
R-20; 1700	Acceptance Of Carriage Of Incapacitated Passengers (Amending)
R-21; 1708	Passenger Name List Message (PNL) / Additions And Deletions List Message (ADL)
R-26; 1714	Industry Discount Message (IDM) (Amending)
R-28; 1716	Passenger Information List (PIL) (Amending)
R-31; 1719b	Passenger Reconcile List (PRL) (Amending)

Docket OST-01-11290

Resolution/R.PDescription

R-32; 1720a	Standard Thirteen-Digit Numbering System For Traffic Documents (Amending)
R-33; 1740b	Licence Plate Fallback Sortation Tag (Amending)
R-34; 1740c	Radio Frequency (RF) Specifications for Interline Baggage (Amending)
R-35; 1743d	Baggage Theft, Pilferage And Fraudulent Claim Prevention (Amending)
R-36; 1745	Baggage Services Messages (Amending)
R-37; 1777	Online Married Segment Control (Amending)
R-38; 1780	Profiles Of Interline Baggage Claims (Amending)
R-39; 1780e	IATA Intermodal Interline Traffic Agreement – Passenger (Amending)
R-40; 1788	Ticketing And Baggage Regulations For Free And Reduced Transportation (Amending)

2. This agreement is a product of the IATA tariff conference machinery, which the Department found to be anticompetitive but nevertheless accepted on foreign policy and comity grounds by Order 85-5-32, May 6, 1985. The Department found that important transportation needs were not obtainable by reasonably available alternative means having materially less anticompetitive effects. Antitrust immunity was automatically conferred upon these conferences because, where anticompetitive agreement is approved in order to attain other objectives, such conferral is mandatory under 49 U.S.C. 41308.

Order 85-5-32 contemplates that the products of fare and rate conferences will be subject to

individual scrutiny and will be approved, provided they are of a kind specifically sanctioned by Order 85-5-32 and are not adverse to the public interest or in violation of the Code. As with the underlying IATA conference machinery, upon approval of a conference agreement, immunity for that agreement must be conferred under the Code. Consequently, we will grant antitrust immunity to the agreement in Docket OST-01-11290, as set forth in finding paragraph 1 above.

ACCORDINGLY,

We approve and grant antitrust immunity to the agreement contained in Docket OST-01-11290, as set forth in finding paragraph 1 above.

By:

Paul L. Gretch
Director, Office of International Aviation

(SEAL)

*An electronic version of this document is available
on the World Wide Web at*
<http://www.dot.gov/dotinfo/general/orders/aviation.html>